

## REMARKS

In response to the above identified Final Office Action, Applicant has amended the application and respectfully request reconsideration thereof.

### *Amendment of Claims*

Claims 25-29, 31, 33-34 have been amended to further clarify that the treatment of one called party is based information associated with another called party. The phrases "a first called party" and "a second called party" and other similar phrases were added to the above-mentioned claims to clarify this aspect. Support for this amendment can be found throughout the description. Applicant acknowledges that an amendment to any finally rejected claim cannot be entered as a matter of right; however, claim amendments may be entered where they merely adopt examiner's suggestions; remove issues for appeal or, in some other way, require only a cursory review. Applicant believes the proffered amendments will require a cursory examination by the Examiner and have placed the claims in condition for allowance. Accordingly, these limitations will not require a further review by the Examiner.

### *Response to Claim Rejections – 35 USC § 102*

Claims 25-39 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. patent no. 5,875,422 to Eslambolchi, et al (hereinafter Eslambolchi).

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Applicant respectfully submits the rejection of claims 25-39 under 35 U.S.C. § 102(b) has been overcome and is addressed for the reason that Eslambolchi does not disclose each and every limitation of the claim 29, as amended, of the present application.

Claim 29 includes the following limitation:

treating a first called party differently from a second called party based on information associated with the second called party.

The Office Action, in rejecting claim 29, contends that the above limitation is anticipated by the following quotes from Eslambolchi:

However, for multiple called parties, it may be desirable to have different language preferences for different called parties. Thus, the calling party may desire to receive the call from one called party in English while choosing to hear the call from another called party in a different language.

Col. 4, lines 25-30.

After receipt of the number of the called party, the switch 16 launches a call to the called party.... Assuming the called party answers, then the front end processor 28 prompts the called party to indicate its language preference via the terminal 14'. Thereafter, the front end processors 26 and 28 translate text, entered via the terminals 14' and 12', respectively, for receipt at the terminals 12' and 14', respectively.

Col. 4, lines 56-65.

Typically, the called party receives the same type of voice prompt provided to the calling party, namely to select a language preference for translation of the speech uttered by the other party. Should the called party be geographically located in a region whose residents primarily speak one language (say, Spanish), the prompt to the called party would be in that language.

Col. 3, lines 32-41.

The first quote from Eslambolchi describes a calling party that prefers to receive one call in one language and another call in another language.

The second disclosure from Eslambolchi describes prompting a called party to indicate a language preference. The called party indicates the language preference with a terminal 14'. Thereafter, the called party receives text at the terminal 14' in the preferred language.

The third disclosure from Eslambolchi describes the language of a voice prompt. Usually the calling and called parties receive a voice prompt in the same language; however, a called party may also receive a voice prompt in a different language, the language spoken in the geographic region where the called party resides (e.g., when calling Mexico prompt in Spanish).

Claim 29 requires treating a first called party differently from a second called party based on information associated with the second called party. For example, a first called party may be asked a question #2 because the second called party responded to a question #1 by hanging up. In contrast, the first disclosure from Eslambolchi does not describe treating a first called party differently from a second called party based on information associated with the second called party; rather, the first disclosure from Eslambolchi describes receiving one call in one language based on the preference of the calling party and another call in another language based on the preference of the calling party. Clearly, the preference of the *calling* party is not information associated with a

*called* party much less information associated with a second *called* party. Further, the second disclosure from Eslambolchi does not describe treating a first *called* party differently from a second *called* party based on information associated with the second *called* party; rather, the second disclosure from Eslambolchi describes one *called* party that receives text in a preferred language based on the preference of the *called* party.

Clearly, the preference of the *called* party is not information associated with a second *called* party; but rather, information associated with the *called* party because it is the preference of the *called* party. Finally, the third disclosure from Eslambolchi does not

describe treating a first *called* party differently based on information associated with a second *called* party; rather, the third disclosure from Eslambolchi describes a *called* party that receives a prompt in a language based on the geographic location of the *called* party. Clearly, the geographic location of the *called* party is not information

associated with a second *called* party; but rather, information associated with the *called* party because it is determined by the geographic location of the *called* party. The above quotes from Eslambolchi therefore cannot be said to anticipate the above quoted limitations of claim 29 because the above quotes from Eslambolchi describe various language translations with respect to a *called* party based on either the preference of the calling party, the preference of the *called* party or the geographic location of the *called* party and claim 29 requires treating a first *called* party differently from a second *called* party based on information associated with a second *called* party.

In summary, Eslambolchi does not disclose each and every limitation of claim 29, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Independent claims 38 and 39 each include a limitation corresponding substantially to the above-discussed limitation of claim 29. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 26-37 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

In summary, Applicant believes that all rejections presented in the Final Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicant is mindful that the proposed amendment cannot, as a matter of right, be entered. Nonetheless, Applicant believes that the proposed amendment requires only a cursory review by the Examiner to remove issues from appeal. Applicant furthermore believes that all claims are now in a condition for allowance, which is earnestly solicited.

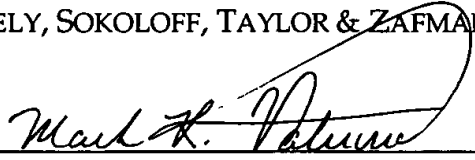
If there are any additional charges, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

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